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9 **BEFORE THE**  
10 **RESPIRATORY CARE BOARD**  
11 **DEPARTMENT OF CONSUMER AFFAIRS**  
12 **STATE OF CALIFORNIA**

13 In the Matter of the Statement of Issues Against:

Case No. S-381

14 STEVEN DOUGLAS ASHE  
2090 Magnolia Apt. #8  
Long Beach, California 90806

**STATEMENT OF ISSUES**

15 Respondent.

16  
17 Complainant alleges:

18 PARTIES

19 1. Stephanie Nunez (Complainant) brings this Statement of Issues solely in  
20 her official capacity as the Executive Officer of the Respiratory Care Board of California  
21 (Board), Department of Consumer Affairs.

22 2. On or about September 14, 2005, the Board received an application for a  
23 Respiratory Care Practitioner License from Steven Douglas Ashe (Respondent). On or about  
24 September 12, 2005, respondent certified under penalty of perjury to the truthfulness of all  
25 statements, answers, and representations in the application. The Board denied the application on  
26 March 1, 2007.

27 JURISDICTION

28 3. This Statement of Issues is brought before the Board under the authority of

1 the following laws. All section references are to the Business and Professions Code (Code)  
2 unless otherwise indicated.

3 4. Section 3710 of the Code states: "The Respiratory Care Board of  
4 California, hereafter referred to as the board, shall enforce and administer this chapter [Chapter  
5 8.3, the Respiratory Care Practice Act]."

6 5. Section 3718 of the Code states: "The board shall issue, deny, suspend,  
7 and revoke licenses to practice respiratory care as provided in this chapter."

8 6. Section 3732, subdivision (b) of the Code states:

9 "The board may deny an application, or may order the issuance of a license  
10 with terms and conditions, for any of the causes specified in this chapter for  
11 suspension or revocation of a license, including, but not limited to, those causes  
12 specified in Sections 3750, 3750.5, 3752.5, 3752.6, 3755, 3757, 3760, and 3761."

13 7. Section 3750 of the Code states:

14 "The board may order the denial, suspension or revocation of, or the  
15 imposition of probationary conditions upon, a license issued under this chapter, for  
16 any of the following causes:

17 "...

18 "(d) Conviction of a crime that substantially relates to the qualifications,  
19 functions, or duties of a respiratory care practitioner. The record of conviction or a  
20 certified copy thereof shall be conclusive evidence of the conviction.

21 "..."

22 8. Section 3752 of the Code states:

23 "A plea or verdict of guilty or a conviction following a plea of nolo  
24 contendere made to a charge of any offense which substantially relates to the  
25 qualifications, functions, or duties of a respiratory care practitioner is deemed to be  
26 a conviction within the meaning of this article. The board shall order the license  
27 suspended or revoked, or may decline to issue a license, when the time for appeal  
28 has elapsed, or the judgment of conviction has been affirmed on appeal or when an

1 order granting probation is made suspending the imposition of sentence,  
2 irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing  
3 the person to withdraw his or her plea of guilty and to enter a plea of not guilty, or  
4 setting aside the verdict of guilty, or dismissing the accusation, information, or  
5 indictment.”

6 9. Section 3752.5 of the Code states:

7 “For purposes of Division 1.5 (commencing with Section 475), and this  
8 chapter [the Respiratory Care Practice Act], a crime involving bodily injury or  
9 attempted bodily injury shall be considered a crime substantially related to the  
10 qualifications, functions, or duties of a respiratory care practitioner.”

11 10. California Code of Regulations, Title 16, section 1399.370, states:

12 “For the purposes of denial, suspension, or revocation of a license, a crime  
13 or act shall be considered to be substantially related to the qualifications, functions  
14 or duties of a respiratory care practitioner, if it evidences present or potential  
15 unfitness of a licensee to perform the functions authorized by his or her license or  
16 in a manner inconsistent with the public health, safety, or welfare. Such crimes or  
17 acts shall include but not be limited to those involving the following:

18 “ . . .

19 “(c) Conviction of a crime involving driving under the influence or reckless  
20 driving while under the influence.

21 “. . . .”

## 22 COST RECOVERY

23 11. Section 3753.5, subdivision (a) of the Code states:

24 "In any order issued in resolution of a disciplinary proceeding before the  
25 board, the board or the administrative law judge may direct any practitioner or  
26 applicant found to have committed a violation or violations of law to pay to the  
27 board a sum not to exceed the costs of the investigation and prosecution of the  
28 case."

1                   12.     Section 3753.7 of the Code states:

2                             "For purposes of the Respiratory Care Practice Act, costs of  
3 prosecution shall include attorney general or other prosecuting attorney fees, expert  
4 witness fees, and other administrative, filing, and service fees."

5                   13.     Section 3753.1, subdivision (a) of the Code states:

6                             "An administrative disciplinary decision imposing terms of probation may  
7 include, among other things, a requirement that the licensee-probationer pay the  
8 monetary costs associated with monitoring the probation."

9  
10                             CAUSE FOR DENIAL OF APPLICATION

11                                     (Conviction of a Crime)

12                   14.     Respondent's application is subject to denial under Code sections  
13 3750, subdivision (d), 3752, 3752.5 and California Code of Regulations, Title 16, section  
14 1399.370, subdivision (c), in conjunction with section 3732, subdivision (b), in that  
15 respondent was convicted of crimes substantially related to the qualifications, functions  
16 and duties of a respiratory care practitioner. The circumstances are as follows:

17                                     May 3, 2006 Conviction

18                   A.     On or about April 27, 2006, Los Angeles County deputy sheriffs  
19 responded to a domestic disturbance call. The victim, who was Respondent's  
20 girlfriend, told the deputies that Respondent had assaulted her at their worksite,  
21 College Hospital. Earlier in her shift, respondent had harassed her at work and  
22 took her cell phone. Later in her shift, Respondent threw the cell phone at his  
23 girlfriend's vehicle. She drove away, fearing for her safety. Respondent chased  
24 her with his vehicle and intentionally collided with her vehicle in an attempt to  
25 stop her. Respondent grabbed her hair while she was driving, violently pulled her  
26 head backwards and then left the scene. Torrance police officers were notified, and  
27 they detained Respondent at his residence until the deputy sheriffs arrived. Upon  
28 questioning, Respondent admitted that he threw his girlfriend's cell phone at her

1 vehicle, and that his vehicle came into contact with her vehicle. Respondent was  
2 arrested.

3 B. On or about May 2, 2006, in Los Angeles County Superior Court,  
4 Complaint No. 6BF02267, Respondent was charged with assault with a deadly  
5 weapon, in violation of Penal Code section 245, subdivision (a)(1), a misdemeanor  
6 (Count 1) and vandalism, in violation of Penal Code section 594, subdivision (a), a  
7 misdemeanor (Count 2).

8 C. On or about May 3, 2006, Respondent was convicted upon his plea  
9 of nolo contendere to assault with a deadly weapon (Count 1). He was placed on  
10 probation for three years on a number of terms and conditions, among others: serve  
11 9 days in county jail (with credit for 9 days), pay a fine of \$100.00 plus an  
12 assessment of \$20.00, perform 11 days of Cal Trans and complete a 52-week  
13 domestic violence program. Count 2 of the complaint was dismissed.

14 April 12, 1996 Conviction

15 D. On or about January 26, 1996, Los Angeles police officers made an  
16 enforcement stop after they observed a vehicle being driven at a high rate of speed.  
17 Respondent, who was a passenger, exited the vehicle and started screaming and  
18 swearing at the police officers. Respondent held a jacket in his hand which he  
19 placed on the front seat of the vehicle. The officers retrieved the jacket and found  
20 an open bottle of whiskey. Respondent was issued a citation for drinking alcohol  
21 while in a motor vehicle on a highway. He signed the citation, swore at the  
22 officers and pushed them away. Respondent was arrested for battery.

23 E. On or about February 15, 1996, in Los Angeles County Municipal  
24 Court Complaint No. 6CR08169, Respondent was charged with violence, in  
25 violation of Penal Code section 242-243, a misdemeanor (Count 1).

26 F. On or about April 12, 1996, the complaint was amended to add  
27 disturbing the peace, in violation of Penal Code section 415, a misdemeanor  
28 (Count 2). On or about April 12, 1996, Respondent was convicted upon his plea of

1 nolo contendere to disturbing the peace (Count 2). He was ordered to serve one  
2 day in county jail (with credit for one day). Count 1 of the complaint was  
3 dismissed.

4 December 11, 1995 Conviction

5 G. On or about November 9, 1995, a Los Angeles County deputy  
6 sheriff responded to a call that Respondent was not moving in his vehicle which  
7 was parked on a street facing the wrong way. The deputy sheriff found Respondent  
8 asleep inside his vehicle with a half-full 24-ounce can of beer between his legs.  
9 The deputy observed that he exhibited signs of intoxication. He failed to  
10 successfully complete the field sobriety tests. Respondent was arrested.

11 H. On or about November 30, 1995, in Los Angeles County Municipal  
12 Court Complaint No. 95M04966, Respondent was charged with driving under the  
13 influence of alcohol, in violation of Vehicle Code section 23152, subdivision(a), a  
14 misdemeanor (Count 1) and driving with .08% or higher blood alcohol level (with  
15 the allegation that his blood alcohol level was .20 percent or higher), in violation of  
16 Vehicle Code section 23152, subdivision (b), a misdemeanor (Count 2).

17 I. On or about December 11, 1995, Respondent was convicted upon  
18 his plea of nolo contendere to driving with .08% or higher blood alcohol level  
19 (Count 2). He was placed on probation for three years on a number of terms and  
20 conditions, among others: serve 48 hours in county jail, pay fines, assessments and  
21 restitution in the amount of \$1,535.00 and complete an eighteen-month licensed  
22 second offender alcohol program. His license was restricted for one year. Count 1  
23 of the complaint was dismissed.

24 August 24, 1995 Conviction

25 J. On or about April 17, 1995, Gardena police officers responded to a  
26 domestic disturbance incident. They observed Respondent yelling at his wife, who  
27 was seated in a vehicle, along with his daughter. Respondent leaned into the  
28 vehicle, grasped his daughter's wrist, and violently yanked her arm in an attempt to

1 extract her from the vehicle. Respondent disregarded the officers' commands to  
2 release his daughter who was screaming. The officers restrained Respondent by  
3 wrestling him to the ground and handcuffing him. While searching Respondent,  
4 the officers found a plastic bag containing a green leafy substance resembling  
5 marijuana protruding from his pocket.

6 K. On or about July 29, 1995, in Los Angeles County Municipal  
7 Court Complaint No. 95M07037, Respondent was charged with possession of  
8 under one ounce of marijuana, in violation of Health and Safety Code section  
9 11357, subdivision (b), a misdemeanor (Count 1).

10 L. On or about August 24, 1995, the complaint was amended to add  
11 disturbing the peace, in violation of Penal Code section 415, a misdemeanor  
12 (Count 2). On or about August 24, 1995, Respondent was convicted upon his plea  
13 of nolo contendere to disturbing the peace (Count 2). He was placed on probation  
14 for one year and was ordered to pay a fine of \$250.00. Count 1 of the complaint  
15 was dismissed.

16 January 10, 1992 Conviction

17 M. On or about October 25, 1991, a Long Beach police officer made an  
18 enforcement stop after he observed Respondent commit a traffic violation. When  
19 Respondent exited his vehicle, he displayed signs of being under the influence of  
20 alcohol. He failed to successfully complete the field sobriety tests. The results of  
21 his breath tests indicated his blood alcohol level was .18% and .17%.

22 N. On or about October 29, 1991, in Los Angeles County Municipal  
23 Court Complaint No. 91L11551, Respondent was charged with driving under the  
24 influence of alcohol, in violation of Vehicle Code section 23152, subdivision(a), a  
25 misdemeanor (Count 1), driving with .08% or higher blood alcohol level, in  
26 violation of Vehicle Code section 23152, subdivision (b), a misdemeanor (Count  
27 2), and driving with a suspended license, in violation of Vehicle Code section  
28 14601.1(a), a misdemeanor (Count 3).

O. On or about January 10, 1992, Respondent was convicted upon his plea of nolo contendere to driving with .08% or higher blood alcohol level (Count 2). He was placed on probation for three years on a number of terms and conditions, among others: serve 48 hours in county jail (with credit for 48 hours), pay a fine and assessments in the amount of \$1,062.00, and complete a three-month licensed first offender alcohol program. Counts 1 and 3 of the complaint were dismissed.

## PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Respiratory Care Board issue a decision:

1. Denying the application of Steven Douglas Ashe for a Respiratory Care Practitioner License;

2. Directing Steven Douglas Ashe to pay the Respiratory Care Board the costs of the investigation and enforcement of this case, and if placed on probation, the costs of probation monitoring;

3. Taking such other and further action as deemed necessary and proper.

DATED: June 5, 2007

Original signed by Liane Zimmerman for:  
STEPHANIE NUNEZ  
Executive Officer  
Respiratory Care Board of California  
Department of Consumer Affairs  
State of California  
Complainant